

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
THOMASVILLE DIVISION**

ULYSSES DANIELS,	*	
Petitioner,	*	
VS.	*	CASE NO. 6:06-CV-1 HL
		28 U.S.C. § 2255
UNITED STATES OF AMERICA,	*	CASE NO. 6:04-CR-2 HL
Respondent.	*	

**ORDER DENYING APPLICATION FOR
CERTIFICATE OF APPEALABILITY**

By Order of this court dated October 4, 2006 (Doc. 299), Petitioner Daniel's Motion To Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 (Doc. 281), raising the sole claim that he was denied effective assistance of counsel when his counsel "failed to have the court award credit for Movant's prior time 'spent in official detention' relating to his federal charges." The court found that Petitioner Daniels was incarcerated prior to his federal conviction and sentence under pending State charges, and that his Motion failed to state the deprivation of his constitutional right to effective counsel.

Daniels filed a Notice of Appeal and Application For Certificate of Appealability on December 21, 2006 (Doc. 301 and Doc. 302). Pursuant to 28 U.S.C. § 2253(c), a Certificate of Appealability (COA) may issue only if the applicant has made a substantial showing of the denial of a constitutional right. Petitioner Daniels failed to do so. Accordingly, the application for a COA is DENIED. Likewise, his **Motion To Proceed *In Forma Pauperis* is denied as moot.**

SO ORDERED, this 19th day of January 2007.

s/ **Hugh Lawson**
HUGH LAWSON
UNITED STATES DISTRICT JUDGE